

fire light ; read first and second times and referred to the committee on State Affairs.

And a bill to release the right of the State to mines and minerals ; read first and second times and referred to the committee on State Affairs.

ORDERS OF THE DAY.

The report of the committee on Indian Affairs, on a bill to authorize the Governor to raise and muster into the service of the State one hundred mounted men, recommending that the same be laid on the table, was read and adopted.

A bill to amend an act entitled an act to incorporate the European and American Colonization Society in Texas, was read a third time and passed by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Fall, Grimes, Guinn, Herbert, Hyde, Lott, Maverick, Paschal, Pirkey, Quinan, Russell, Scarborough, Shepard, Stockdale, Taylor of Houston, Throckmorton, Truitt, Walker, Wigfall and Wren—24.

NAYS—Messrs. Graham, and Taylor Cass—2.

On motion of Mr. Taylor of Cass, the Senate adjourned until 10 o'clock, to-morrow.

TUESDAY, Nov. 17th, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Pirkey, Chairman of the committee on Public Lands, made the following reports :

The committee on Public Lands have considered a bill supplemental to an act to perfect land titles in Castro's colony, approved January 22d, 1850, and a majority of the committee think the memorialist Castro, entitled to relief, and have instructed me to report a substitute for the original bill, and recommend the adoption of the substitute and the passage of the bill.

The committee on Public Lands, to whom was referred the petition of George W. Glasscock, have examined the same, and believing that Mandred Wood, under whom memorialist claims was entitled to one third of a league instead of one-fourth of a league, a majority of the committee have instructed me to report the accompanying bill and recommend its passage.

A bill for the relief of Mandred Wood or his assignees ; read first time.

Mr. Taylor of Houston, Chairman of the committee on enrolled bills reported :

A Joint Resolution, authorizing the Governor to raise and muster into the service of the State mounted men for the protection of our frontier, and

A bill to authorize the Clerk of the County Court of Dallas county, to transcribe certain records therein named, and find the same correctly enrolled, properly signed, and presented to the Governor.

Mr. Martin, Chairman of the committee on Private Land Claims, to which was referred the petition of Samuel McCulloch, reported that the committee had examined the evidence and found ample proof that he emigrated to Texas prior to the Declaration of Independence, and actually participated in our struggle, and married within one year after his emigration, and therefore the committee think him entitled to one league and labor of land, and had therefore instructed him to report the accompanying bill and recommend its passage.

A bill for the relief of Samuel McCulloch ; read first time.

Mr. McCulloch, chairman of the Committee on Counties and County Boundaries, made the following reports :

The committee on Counties and County Boundaries, have considered a bill to create the county of Clay, and instruct me to report the same back to the Senate and recommend its passage.

The committee on Counties and County Boundaries, to which was referred a bill to create the county of Montague, have considered the same and instruct me to report, that the territory sought to be set apart for the county of Montague is immediately south of Red River and north of the county of Wise, is a fertile region upon which many persons are now settled, and others moving to, almost every day. That the wants of that section demand the creation of this county, and that it contains the constitutional area of nine hundred square miles. The committee therefore recommend the passage of the bill with the following amendments :

Amend 1st, by striking out the 6th section.

2nd, by inserting the following as a substitute for section 1st.

Section 1. Be it enacted by the Legislature of the State of Texas, that the territory included within the following limits

to wit : beginning six miles west of the north west corner of Denton county, thence west with the north line of Wise and Jack counties, to a point four miles west of the north east corner of Jack county, thence due north to Red River, thence down Red River with its meanders to a point due north of the place of beginning, thence south to the beginning, be, and the same is hereby constituted into a new county to be known by the name of the county of Montague.

Mr. Russell, Chairman of the committee on Engrossed bills reported :

A bill making an appropriation to pay for the State copies of the 16th and 17th vols. of Texas Reports.

A bill to change the time of holding courts in the 11th Judicial District, and

A bill to change and provide for a uniform time for terminating the fiscal year, of the several offices of the State Government, correctly engrossed.

Mr. Potter chairman of the committee on the Judiciary, made the following report :

The Judiciary Committee have considered a bill to repeal a portion of the 10th section of the act of February 10th, 1852 entitled an act relating to lands in Peter's colony, and find the object of the bill to be, to repeal so much of the tenth section of said act, as authorizes the county courts of the various counties in Peters' Colony to issue headright certificates to persons as colonists of said Peters' Colony. It will be seen by reference to the Governor's Message, that some time in the early part of the present year, information was received at the Executive office, that many of the county courts within said colony were issuing land certificates upon illegal evidence, and to persons not entitled to them, and that under the authority of the provisions of the 14th section of the act of August 1st 1856, entitled an act to ascertain the legal claims for lands or money against the State, the Governor immediately appointed Commissioners to examine the records of said Courts, with directions to report the result of their examinations to the Governor. These Commissioners have made the examinations required in the counties of Grayson, Cooke and Collin, and report that certificates to the amount of 127,680 acres have been issued by the Courts in the three counties named. The most of which the Commissioners think were illegally issued to persons not entitled to them, from facts brought to the notice of the committee, it is quite evident that the courts have taken an improper view of

the law under which they were acting, and the committee think that the liability to make such errors in future should be removed, by withdrawing from the county courts all power to act in the premises. The committee therefore instruct me to report the bill back to the Senate and recommend its passage.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts, to which was referred the petition of the administrator of Eli Hart have considered the same, and instruct me to report the accompanying bill for relief and recommend its passage. The facts appear to be, that at the time of the death of the said Eli Hart, he was possessed of a certificate of public debt for the amount of \$642 77. That in one of the great fires of the city of New York this certificate was destroyed. That the amount still appears to his credit on the books of the Comptroller of the State. The petitioner wants a duplicate certificate for the above named sum of \$642 77, so that he can present the same to the Treasury Department of the United States, as the time of presenting such claims will be barred after January 1st 1858, all of which is respectfully considered.

A bill for the relief of Eli Hart's heirs ; read first time.

Mr. Maverick from the committee on Claims and Accounts made the following report :

The committee on Claims and Accounts to which was referred the petition of Luciano Navarro, have carefully examined the account and vouchers accompanying the same, and find that much the larger portion of said claim consists of that class of injuries denominated spoliation, or the inevitable waste and ruin of war, in which so many of our pioneer citizens have been made to suffer, and in a manner broken up. These losses of houses, lands, stocks and moveable property, by fire and sword, and the indiscriminate act of the enemy and of the army of the State, were in general so very extensive, and yet so difficult to be classified, and equitably arranged, that the republic long since determined to reject all idea of allowing any remuneration to the parties making such claims, though the losses were necessarily unequal, yet it was enough to know that almost every citizen who had anything to be wasted was more or less injured by a war, the object and effect of which was the ultimate good of all.

In the case of petitioner your committee were pleased to discover a few items, which, without violating the fixed and

unalterable policy of the State, in regard to the spoliation of war, could be recommended to your favorable consideration, as being clearly not spoliation, but food, supplies, and necessary subsistence for the army, taken on an interesting occasion in the hurry of the storming of Bexar, at the head quarters of the detachment under Col. Frank Johnson, and in the Verimenda House in San Antonio, where the leader, Col. Milam was killed on December 7th, 1835.

These items in the account are well sustained by the testimony of living witnesses, as well as that of several worthy men now deceased, and your committee are clearly of the opinion that the State is in honor bound to pay them. Wherefore the undersigned is instructed to report the accompanying bill and recommend its passage. But the committee have charged me also to couple with the grant the requirement that the petitioner shall sign a full acquittance and release to the State, for and on account of said claim.

A bill for the relief of Luciano Navarro read first time.

Mr. Throckmorton introduced a bill to increase the special school fund ; read first and second times and referred to the committee on education.

Mr. Stockdale introduced a bill for the relief of Helena Eglinger ; read first and second times and referred to the committee on Private Land Claims.

Mr. Guinn introduced a bill to amend an act granting land to emigrants, approved 4th January, 1841 ; read first and second times and referred to the committee on Public Lands.

Mr. Russell introduced a bill to repeal the eight section of an act entitled an act to provide for the assessment and collection of taxes, approved February 11th, 1850 ; read first and second times, and referred to the committee on Finance.

Mr. Taylor of Houston introduced a bill to amend the 1st section of an act to change the 6th and 9th Judicial Districts of the State of Texas, and to define the time of holding courts therein ; read first and second times and referred to the committee on the Judiciary.

Mr. Truitt introduced a bill to secure the right of redemption in lands sold under execution ; read first and second times and referred the Judiciary committee.

Mr. Hyde introduced a bill to continue in force an act making provision for running and marking the boundary line between Texas and the territory of the United States ; read first

and second times, and referred to the committee on State Affairs.

Mr. Herbert introduced a bill to permit free persons of African descent to select their own masters and become slaves; read first and second times, and

On motion of Mr. Herbert referred to a select committee of five.

Messrs. Herbert, Caldwell, Quinan, Taylor of Fannin, and Lott were appointed the committee.

Mr. Grimes offered the following resolution :

Resolved, That the committee on State Affairs be requested to take into consideration the utility of requiring assessors and collectors of taxes to take the statistics of the principal products and manufactories of their respective counties, and if deemed necessary that the committee provide in the bill providing for taking the census in accordance with the requirements of the Constitution, in order to an apportionment of representation in the State Legislature; adopted.

ORDERS OF THE DAY.

The report of the committee on Private Land Claims, on a bill for the relief of Mathias Ward, offering an amendment thereto, was read, amendment adopted, and bill ordered to be engrossed.

On motion of Mr. Pirkey the rule was suspended, bill read a third time and passed.

A bill for the relief of the heirs of George Brinlee, read.

On motion of Mr. Grimes, the bill was amended by striking out "Commissioner of Claims," and inserting "Commissioner of the General Office."

The bill was then ordered to be engrossed.

A bill for the relief of Eli H. Page; read and ordered to be engrossed.

On motion of Mr. McCulloch, the rule was suspended bill read a third time and passed.

A bill making an appropriation to pay for the State copies of the 16th and 17 vols. of Texas Reports; read a third time and passed.

A bill to change and provide a uniform time for terminating the fiscal year of the several offices of the State Government; read third time.

On motion of Mr. Potter the bill was amended by striking out "ten copies" of the Comptroller's Report, and inserting "fifty copies" in lieu thereof; the bill was then passed.

On motion of Mr. Throckmorton, a bill to amend an act for the relief of Arthur G. Wavil, was taken from the table and read a third time.

On motion of Mr. Caldwell the 1st section of the bill was amended by inserting after the word "contract." Provided the number does not exceed one hundred and twenty.

The bill was then passed by the following vote :

YEAS—Messrs. Caldwell, Erath, Herbert, Hyde, Lott, McCulloch, Maverick, Paschel, Potter, Quinan, Scarborough, Shepard, Stockdale, Taylor of Fannin, Taylor of Houston and Throckmorton—16.

NAYS—Messrs. Burroughs, Fall, Graham, Grimes, Guinn, Martin, Pirkey, Russell, Taylor of Cass, Truit, Walker, Wigfall and Wren—13.

A message was received from the House informing the Senate that the House had appointed Messrs. Lee, Shannon, Wood and Everett, a committee on the part of the House to act in conjunction with the Senate's committee in the investigation of the report of the Commissioner of Claims.

On motion of Mr. Lott the Senate adjourned until to-morrow morning at ten o'clock.

WEDNESDAY, November 18, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House informing the Senate that the House had passed

A Senate bill for the relief of John Barton, with an amendment.

Also the following bills originating in the House :

A bill to release Wm. Wallace Gordon from minority ; and

A bill to authorize and require all forced sales of real estate or Negroes, and sales of real estate or Negroes made by Executors and Administrators in the county of Travis ; to be made on Congress Avenue at the South-East corner of Block No. seventy.

And also that the House had appointed Messrs. Wælder, Barnard, Clow, Hall and Crawford a Special committee to act in conjunction with the committee on the part of the Senate, to take into consideration the Message of the Governor, relating to the depredations of certain lawless persons